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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: FUKUSHIMA et al.

Appln Serial No.: 07/800,009 filed November 29, 1991

Patent No.: 5,454,073 issued September 26, 1995

For: DRAWING MANAGEMENT DEVICE HAVING ABILITY TO
RETRIEVE AND DISPLAY A DESIRED AMOUNT OF DATA
WITHIN A DESIRED DISPLAY TIME

Group: 2301

Examiner: C. Vo

DECLARATION AND POWER OF ATTORNEY
FOR REISSUE APPLICATION

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

The following is for submission to the United States Patent & Trademark Office (hereinafter "USPTO"):

1. X This paper is in support of a request for a reissue application under 35 USC §251 of U.S. Patent No. 5,454,073, issued September 26, 1995 (hereinafter "original patent" or "subject patent"), having the title of DRAWING MANAGEMENT DEVICE HAVING ABILITY TO RETRIEVE AND DISPLAY A DESIRED AMOUNT OF DATA WITHIN A DESIRED DISPLAY TIME, and having the following inventorship (hereinafter "Inventor", "Inventors" and/or "Inventorship"):

Inventor: Manabu FUKUSHIMA
City of Residence: Hitachi-shi
State or Foreign Country: Japan
Country of Citizenship: Japan
Post Office Address: 33-2, Nishinarusawacho-1-chome, Hitachi-shi, Japan

Inventor: Mikio YODA
City of Residence: Naka-gun, Ibaraki-ken
State or Foreign Country: Japan
Country of Citizenship: Japan
Post Office Address: 1737-158, Shirakata, Tokaimura, Naka-gun, Ibaraki-ken, Japan

Inventor: Kazuo TSUTSUI
City of Residence: Hitachiota-shi
State or Foreign Country: Japan
Country of Citizenship: Japan
Post Office Address: 3091-1, Mayumicho, Hitachiota-shi, Japan

2. X In accordance with the signing and swearing requirements set forth under 37 CFR §1.172, this oath is being signed and sworn to, or declaration made, by all the inventors (hereinafter "Inventor", "Inventors", "Inventorship" and/or "Applicant"), i.e., in accordance with 37 CFR §1.172(a) which states that "a reissue oath must be signed and sworn to or declaration made by the inventor or inventors except as provided" (in 37 CFR §§1.42, 1.43 and 1.47).

3. X The undersigned herein complies with the oath or declaration requirements set forth under 37 CFR §1.63 as follows:

a. X The requirements set forth in 37 CFR §1.63(a) are complied with as follows:

I. X In order to satisfy the requirement set forth in 37 CFR §1.63(a)(1), it is respectfully submitted that this oath or declaration has been executed in accordance with either 37 CFR §1.66 or §1.68 as follows. More particularly, in accordance with the provisions of 37 CFR §1.68, this document is subscribed to by written declaration in lieu of an oath. The undersigned declarant acknowledges the warning that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon, and declarant further sets forth that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true;

II. X In order to satisfy the requirement set forth in 37 CFR §1.63(a)(2), it is respectfully submitted that this oath or declaration is directed to the specification:

A. X provided herewith this paper;

B. previously filed on _____;

C. amended by the _____ filed on _____;

III. X In order to satisfy the requirement set forth in 37 CFR §1.63(a)(3), the identity of each inventor and the residence and country of citizenship of each inventor have been provided (see above);

IV. X In order to satisfy the requirement set forth in 37 CFR §1.63(a)(4), it is respectfully stated that the inventorship of the present application is:

A. a sole inventorship, with the sole inventor being identified (see above);
B. a joint inventorship, with the joint inventors being identified (see above);

b. In accordance with the requirements set forth in 37 CFR §1.63(b), it is respectfully submitted that the undersigned:

I. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in this oath or declaration;

II. believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought; and

III. acknowledges the duty to disclose to the USPTO all information known to the undersigned to be material to patentability as defined in 37 CFR §1.56;

c. In order to satisfy the requirement set forth in 37 CFR §1.63(c), that the oath or declaration in any application in which a claim for foreign priority is made pursuant to 37 CFR §1.55 must identify the foreign application for patent or inventor's certificate on which priority is claimed, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing, the following is respectfully identified and claimed:

02-329009 Japan filed November 30, 1990

02-329017 Japan filed November 30, 1990;

4. Applicant herein complies with the reissue oath or declaration requirements set forth under 37 CFR §1.175 and makes oath or declaration statements as follows:

a. Applicant verily believes, in accordance with 35 USC §251 and 37 CFR §1.175(a)(1), the original patent to be deemed wholly or partly inoperative or invalid, stating such belief and the reasons why as follows, i.e., the subject application has one or more of the "defects" appropriate for reissue as set forth in 37 CFR §1.175(a)(2-3) as follows:

Applicant claims, in accordance with 35 USC §251 and 37 CFR §1.175(a)(3), that the original patent is inoperative or invalid "by reason of the patentee claiming less than he had a right to claim in the patent," and distinctly specifies such insufficiency in the claims as follows:

The inventors of the present application were directed (at the time of invention) toward solving a problem in that it took a large time (prior to the present invention) to display a large scale drawing. In order to solve such problem, the inventors thought of and disclosed (within the original and present patent disclosure) several technical concepts allowing large scale drawings to be display in a quicker fashion. More particularly, as one concept, the inventors disclosed an arrangement wherein priorities are assigned to display images (i.e., objects) of the drawing, and display can be controlled (limited) so as to display only images having priorities of interest. As fewer images are being displayed (i.e., priorities not of

interest are eliminated), a desired drawing can be made within a shorter time. The inventors (at the time of prosecution and allowance of the application) thought that this concept was the most important feature, and hence filed and prosecuted the application with this feature as main claims.

As another concept, the inventors considered that since different sub-drawings have differing data amounts, it would be useful to have an arrangement wherein a user could easily and quickly visually grasp or understand the data amounts for each sub-drawing, i.e., so as to allow a user the ability to conceive of how much data, and therefore drawing time, was associated with each sub-drawing. In this respect, the inventors thought of an icon (see original Fig. 9B) for symbolically representing the sub-drawings, i.e., such icon being in the form of a three-dimensional icon drawing (e.g., cube) with a data amount of each sub-drawing being represented by a corresponding length in a predetermined one-dimensional (e.g., depth) direction. By visually viewing the icons and especially the lengths thereof, a user can easily and quickly grasp how much data, and therefore, drawing time, is associated with a sub-drawing, and therefore, a user can decide (according to the user's time budget and level of interest) whether to display the sub-drawing. At the time of prosecution and allowance of the application, the inventors thought this concept was a subsidiary one, and therefore, such concept was only claimed in dependent claims (e.g., claim 11) together with the above-discussed image priority concept.

During recent review of the patent, the inventors and/or Japanese agents realized that the above-identified icon concept is not a subsidiary concept, but instead is a primary concept which should have been separately and independently claimed apart from (i.e., not with) the image priority concept. More particularly, it was realized that such icon concept is itself an inventive embodiment which is patentable over the prior art and which should have been independently claimed, and therefore, the original patent is inoperative or invalid "by reason of the patentee claiming less than he had a right to claim in the patent".

The reissue overcomes such defect in the original patent by broadening claim 11 and also submitting additional claims 15-25, to claim the icon concept separately and independently from the image priority concept. Further, the reissue also submits additional claim 26 for the purpose of retaining a claim incorporating both the image priority concept and the icon concept;

b. X Applicant, in accordance with 37 CFR §1.175(a)(5), particularly specifies the errors relied upon as the causation of the above-mentioned "defects", how and when they arose or occurred (MPEP §1414), and how and when such errors were discovered (MPEP §1414), as follows:

the errors arose during the prosecution of U.S. Application Serial No. 07/800,009 due to our failure and that of our Japanese

agents and U.S. attorneys to recognize that claim 11 originally presented and/or amended in the Amendments filed during prosecution, contained unnecessary (i.e., the image priority concept) limitations which unduly limited the scope of protection to which the present invention is entitled as a result of having failed to fully and appropriately appreciate the full scope or extent of the present invention;

- c. Applicant, in accordance with 35 USC §251 and 37 CFR §1.175(a)(6), respectfully states that the above-mentioned errors arose "without any deceptive intention" on the part of the Applicant, as evidenced by the facts set forth above;
- d. Applicant, in accordance with 37 CFR §1.175(a)(7), acknowledges the duty to disclose to the U.S. Patent & Trademark Office all information known to Applicant to be material to patentability as defined in 37 CFR §1.56.

5. In accordance with the assent requirements set forth under 37 CFR §1.172 that the oath be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent, a separate written assent of all the assignees is being filed concurrently herewith;

6. In accordance with the requirements under 37 CFR §1.121(e), 37 CFR §1.173, and 35 USC §251, it is respectfully submitted that no new matter has been introduced into the Reissue Application.

7. In accordance with the requirements under 35 USC §251, 37 CFR §§1.171 and 1.178 that the application must be accompanied by an offer to surrender the original patent, Applicant herein offers to surrender the original patent.

8. It is understood, in accordance with the provisions of 35 USC §251, that, if this Reissue Application is finally allowed, the Commissioner shall reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent.

9. In accordance with the indication in 37 CFR §1.172(b) that a reissue will be granted to the original patentee, his legal representative or assigns as the interest may appear, it is respectfully requested that the reissue be granted to the assignee, Hitachi, Ltd.

10. Applicant hereby appoints as principal attorneys Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; William T. Solomon, Reg. No. 28,565; Gregory T. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973; and Carl I. Brundidge, Reg. No. 29,621 with full power of substitution and revocation and to transact all business in the U.S. Patent and Trademark Office connected therewith.

11. I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

X - EXECUTED BY ALL THE INVENTORS AS FOLLOWS:

Inventor: Manabu FUKUSHIMA

Signature: Manabu Fukushima Date: 1997. 11. 7

Post Office Address: 33-2, Nishinarusawacho-1-chome, Hitachi-shi, Japan

Inventor: Mikio YODA

Signature: Mikio Yoda Date: 1997. 11. 11

Post Office Address: 1737-158, Shirakata, Tokaimura, Naka-gun, Ibaraki-ken, Japan

Inventor: Kazuo TSUTSUI

Signature: Kazuo Tsutsui Date: 1997. 11. 10

Post Office Address: 3091-1, Mayumicho, Hitachiota-shi, Japan

PJS/



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Group: 2301

Examiner: C. Vo

ASSENT OF ASSIGNEE

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

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Inventor: Kazuo TSUTSUI
City of Residence: Hitachiota-shi
State or Foreign Country: Japan
Country of Citizenship: Japan
Post Office Address: 3091-1, Mayumicho, Hitachiota-shi, Japan

As this action is being filed by and on behalf of the assignee, the undersigned acknowledges the requirement under 37 CFR §3.73 that, when the assignee of the entire right, title and interest seeks to take action in a matter before the USPTO with respect to a patent application, trademark application, patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner, and submits that such requirement is satisfied by the following.

Hitachi, Ltd., a Japanese corporation, whose principal office is located at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo 100, Japan, is, at present by assignment, the owner of 100% interest in the above-identified application and the owner of 100% of any patent to be granted in the above-identified application by virtue of an assignment from the above-identified inventor(s) to assignee Hitachi, Ltd. as evidenced by the assignment recorded in the Patent and Trademark Office at Reel 5930, Frames 244-245, or for which a copy is attached.

The undersigned has reviewed all the evidentiary documents in the chain of title of the patent application, trademark application, patent, registration, or reexamination proceeding, and to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take this action;

Further, the undersigned respectfully submits that the undersigned is assignee's authorized representative, i.e., is authorized by the assignee to sign on behalf of the assignee.

Accordingly, by the undersigned signature, assignee of the entire interest in the above-mentioned Letters Patent hereby assents to the aforementioned application, and herein offers to surrender the original patent.

HITACHI, LTD.

Date: '97-10-30

By: Katsuo Ogawa

Katsuo OGAWA, Patent Attorney
Director and General Manager
Intellectual Property Office
(Authorized Signing Officer)